

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALLY SMITH,

Plaintiff,

Civil Action No.
12-CV-15242

vs.

HON. MARK A. GOLDSMITH

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Defendant.

/

ORDER REQUIRING PLAINTIFF TO FILE AN AMENDED COMPLAINT

This matter is presently before the Court on the Court's own review of the complaint, which was filed on November 29, 2012. The sole purported basis for jurisdiction is diversity of citizenship. Under the diversity statute, 28 U.S.C. § 1332, there must be complete diversity such that no plaintiff is a citizen of the same state as any defendant, Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996), and it is the Court's responsibility to ensure that it possesses jurisdiction over the subject matter of every case before it. Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 584 (1999).

The complaint in the present case does not properly allege the citizenships of Plaintiff and Defendant. For purposes of the diversity statute, a natural person is a citizen of the state in which he or she is domiciled, Stifel v. Hopkins, 477 F.2d 1116, 1120 (6th Cir. 1973), and a corporate litigant is a citizen of the state by which it is incorporated and wherein it has its principal place of business. 28 U.S.C. § 1332(c). In the present complaint, Plaintiff specifies only her state of residence and the state in which Defendant was incorporated; the complaint specifies neither

Plaintiff's domiciliary nor the state in which Defendant has its principal place of business. Accordingly, the Court cannot discern whether it has jurisdiction over this case.

Within seven days of today's date, Plaintiff shall file an amended complaint in which the citizenships of both parties are properly alleged. Failure to comply with this order will result in the dismissal of this case for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3).

SO ORDERED.

Dated: November 29, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 29, 2012.

s/Amanda Chubb for Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager